

Liberalism or Democracy? Carl Schmitt and Apolitical Democracy

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Growing imprecision in the language of political discourse has turned virtually everyone into a democrat or, at least, an aspiring democrat. East, West, North, South, in all corners of the world, politicians and intellectuals profess the democratic ideal, as if their rhetorical homage to democracy could substitute for the frequently poor showing of their democratic institutions[1] Does liberal democracy – and this is what we take as our criterion for the “best of all democracies” – mean more political participation or less, and how does one explain that in liberal democracy electoral interests have been declining for years? Judging by voter turnout, almost everywhere in the West the functioning of liberal democracy has been accompanied by political demobilization and a retreat from political participation[2]. Might it be, that consciously or unconsciously, the citizens of liberal democracies realize that their ballot choices can in no substantial manner affect the way their societies are governed, or worse, that the rites of liberal democracy are an elegant smoke screen for the absence of self-government?

Liberal Parenthesis and the End of the Muscled State

This paper will argue both that democracy is not necessarily an accompanying feature of liberalism and that liberal democracy may often be the very opposite of what democracy is supposed to mean. Through the arguments of Carl Schmitt, I shall demonstrate that: 1) democracy can have a different meaning in liberal society than in non-liberal society, 2) the depoliticization of liberal democracy is the direct result of voter mistrust in the liberal political class, and 3) liberal democracy in multi-ethnic countries is likely to face serious challenges in the future.

Over the period of the last fifty years, Western societies have witnessed a rapid eclipse of “hard” politics. Theological fanaticism, ideological ferocity, and politics of power, all of which have until recently rocked European states, have become things of the past. The influence of radical left-wing or right-wing parties and ideologies has waned. “High” politics, as a traditional action and interaction process between the rulers and the ruled, and as a guide for purported national destiny, seems to have become obsolete. With the collapse of communism in the East, modern liberal democracies in the West appear today as the only alternative forms of government on the barren political and ideological landscape. Moreover, in view of the recent collapse of totalitarian ideologies, liberal democracy seems to have gained even more legitimacy, all the more so as it successfully accommodates differing political views. Western liberal democracy, people believe, can satisfy diverse and disparate opinions, and can continue to function even when these are non-democratic and anti-liberal.

For Schmitt, liberal tolerance towards opposing political views is deceiving. In all of his works, and particularly in *Verfassungslehre* and *Die geistesgeschichtliche Lage des heutigen Parlamentarismus*, he points to differences between liberalism and democracy, asserting that liberalism, by its nature, is hostile to all political projects. In liberal democracy, writes Schmitt,

“politics far from being the concern of an elite, has become the despised business of a rather dubious class of persons.”[3] One may add that liberal democracy does not appear to be in need of political projects: With its vast technological infrastructure and the free market network, argues Schmitt, liberal democracy has no difficulty in rendering all contending beliefs and opposing ideologies inoffensive, or, at worst, ridiculous[4].

In liberal democracy, in which most collective projects have already been delegitimized by belief in individualism and in the private pursuit of economic well-being, “it cannot be required, from any thinkable point of view, that anyone lays down his life, in the interest of the undisturbed functioning [of this society.]”[5] Little by little, liberal democracy makes all political projects unattractive and unpopular, unless they appeal to economic interests. Liberal democracy, writes Schmitt, seems to be fitted for a rational, secularized environment in which the state is reduced to a “night-watchman” supervising economic transactions. The state becomes a sort of inoffensive “mini-state” [“Minimalstaat”] or *stato neutrale*. [6] One could almost argue that the strength of liberal democracy lies not in its aggressive posturing of its liberal ideal, but rather in its renunciation of all political ideals, including its own.

To some extent, this apolitical inertia appears today stronger than ever before, since no valid challenger to liberal democracy appears on the horizon. What a stark contrast to the time prior to World War II, when radical left- and rightwing ideologies managed to draw substantial support from political and intellectual elites! Might it be that the “Entzauberung” of politics has gone so far as to contribute to the strengthening of apolitical liberal democracy? Very revealing, indeed, appears the change in the behavior of modern elites in liberal democracies; left, right, and center barely differ in their public statements or in their political vocabulary. Their styles may differ, but their messages remain virtually the same. The “soft” and apolitical discourse of modern liberal princes, as one French observer recently wrote, prompts the “liberal-socialist” to exclaim: “I will die from loving your beautiful eyes Marquise.” And to this the “socialist-liberal” responds: “Marquise, from loving your beautiful eyes, I will die.”[7] Leftwing agendas are so often tainted with rightwing rhetoric that they appear to incorporate conservative principles. Conversely, rightwing politicians often sound like disillusioned leftists on many issues of domestic and foreign policy. In liberal democracy, all parties across the political spectrum, regardless of their declaratory differences, seem to be in agreement on one thing: democracy functions best when the political arena is reduced to its minimum and the economic and juridical spheres are expanded to their maximum.

Part of the problem may result from the very nature of liberalism. Schmitt suggests that the notions of liberalism and democracy “have to be distinguished from one another so that the patchwork picture that makes up modern mass democracy can be recognized.”[8] As Schmitt notes, democracy is the antithesis of liberalism, because “democracy ... attempts to realize an identity of the governed and the governors, and thus it confronts the parliament as an inconceivable and outmoded institution.”[9]

Organic Democracy vs. Apolitical Democracy

True democracy, for Schmitt, means popular sovereignty, whereas liberal democracy and liberal parliament aim at curbing popular power. For Schmitt, if democratic identity is taken seriously, only the people should decide on their political destiny, and not liberal representatives, because “no other constitutional institution can withstand the sole criterion of the people’s will, however

it is expressed.”[10] Liberal democracy, argues Schmitt, is nothing else but a euphemism for a system consecrating the demise of politics and thus destroying true democracy. But a question arises: why, given liberalism’s history of tolerance and its propensity to accommodate diverse groups, does Schmitt adamantly reject liberal democracy? Has not liberalism, particularly in the light of recent experiences with “muscle ideologies,” proven its superior and humane nature?

The crux of Schmitt’s stance lies in his conviction that the concept of “liberal democracy” is semantic nonsense. In its place, Schmitt seems to suggest both a new definition of democracy and a new notion of the political. According to Schmitt, “democracy requires, first homogeneity and second-if the need arises-elimination or eradication of heterogeneity.”[11] Homogeneity and the concomitant elimination of heterogeneity are the two pillars of Schmitt’s democracy, something which stands in sharp contrast to liberal party systems and the fragmentation of the body politic. Democratic homogeneity, according to Schmitt, presupposes a common historical memory, common roots, and a common vision of the future, all of which can subsist only in a polity where the people speak with one voice. “As long as a people has the will to political existence,” writes Schmitt, “it must remain above all formulations and normative beliefs. . . . The most natural way of the direct expression of the people’s will is by approvals or disapprovals of the gathered crowd, i.e., the acclamation.”[12] To be sure, with his definition of homogeneous democracy that results from the popular will, Schmitt appears to be holding the value of the traditional community above that of civil society which, for the last century, has been the hallmark of liberal democracy.[13] One may therefore wonder to what extent can Schmitt’s “organic” democracy be applicable to the highly fractured societies of the West, let alone to an ethnically fragmented America.

Schmitt insists that “the central concept of democracy is the people (Volk), not mankind [Menscheit]. . . . There can be-if democracy takes a political form-only popular democracy, but not a democracy of mankind [Es gibt eine Volksdemokratie und keine Menscheitsdemokratie].”[14] Naturally, this vision of “ethnic” democracy collides with modern liberal democracy, one of the purposes of which, its proponents claim, is to transcend ethnic differences in pluralistic societies. Schmitt’s “ethnic” democracy must be seen as the reflection of the uniqueness of a given people who oppose imitations of their democracy by other peoples or races. Since Schmitt’s democracy bears a resemblance to ancient Greek democracy, critics must wonder how feasible this democracy can be today. Transplanted into the twentieth century, this democratic anachronism will appear disturbing, not least because it will remind some of both fascist corporate and Third World states with their strict laws on ethnic and cultural homogeneity. Schmitt confirms these misgivings when he states that “a democracy demonstrates its political power by knowing how to refuse or keep at bay something foreign and unequal that threatens its homogeneity [das Fremde und Ungleiche . . . zu beseitigen oder fernzuhalten].”[15] Any advocate of liberal democracy in modern multicultural societies could complain that Schmitt’s democracy excludes those whose birth, race, or simply religious or ideological affiliation is found incompatible with a restricted democracy. Foreign may be a foreign idea that is seen to threaten democracy, and a foreigner may be somebody who is viewed as unfit to participate in the body politic because of his race or creed. In other words, one could easily suspect Schmitt of endorsing the kind of democracy that approximates the “total state.”

Nor does Schmitt treat the liberal principles of legality with much sympathy. In his essay “Legalität und Legitimität,” Schmitt argues that the kind of liberal democracy creates the illusion

of freedom by according to each political group and opposing opinion a fair amount of freedom of expression as well as a guaranteed legal path to accomplish its goal in a peaceful manner.[16] Such an attitude to legal rights is contrary to the notion of democracy, and eventually leads to anarchy, argues Schmitt, because legality in a true democracy must always be the expression of the popular will and not the expression of factional interests. "Law is the expression of the will of the people (*lex est quod populus jubet*)," writes Schmitt, [17] and in no way can law be a manifestation of an anonymous representative or a parliamentarian who solely looks after interests of his narrow constituency. Indeed, continues Schmitt, an ethnically homogeneous and historical people has all the prerequisites to uphold justice and remain democratic, provided it always asserts its will.[18] Of course, one may argue that Schmitt had in mind a form of populist democracy reminiscent of the 1930s' plebiscitary dictatorships which scorned both parliamentary parties and organized elections. In his *Verfassungslehre*, Schmitt attacks free parliamentary elections for creating, through secret balloting, a mechanism which "transforms the citizen (*citoyen*), that is, a specifically democratic and political figure, into a private person who only expresses his private opinion and gives his vote." [19] Here Schmitt seems to be consistent with his earlier remarks about ethnic homogeneity. For Schmitt, the much-vaunted "public opinion," which liberals equate with the notion of political tolerance, is actually a contradiction in terms, because a system which is obsessed with privacy inevitably shies away from political openness. True and organic democracy, according to Schmitt, is threatened by liberal secret balloting, and "the result is the sum of private opinions." [20] Schmitt goes on to say that "the methods of today's popular elections [*Volkswahl*] and referendums [*Volksentscheid*] in modern democracy, in no way contain the procedure for genuine popular elections; instead, they organize a procedure for the elections of the individuals based on the total sum of independent ballot papers." [21]

Predictably, Schmitt's view of democratic equality is dependent upon his belief that democracy entails social homogeneity, an idea Schmitt develops more fully in *Verfassungslehre* and *The Crisis of Parliamentary Democracy*. Although liberal democracy upholds the legal equality of individuals, it ignores the equality of rooted citizens. Liberal democracy merely provides for the equality of atomized individuals whose ethnic, cultural, or racial bonds are so weakened or diluted that they can no longer be viewed as equal inheritors of a common cultural memory and a common vision of the future. Undoubtedly, equality and democracy, for Schmitt, are inseparable. Equality in a genuine organic democracy always takes place among "equals of the same kind (*Gleichartigen*)." [22] This corresponds to Schmitt's earlier assertions that "equal rights make good sense where homogeneity exists." [23] Could one infer from these brief descriptions of democratic equality that in an ethnically or ideologically fragmented society equality can never be attained? One might argue that by transferring the political discourse of equality to the juridical sphere, liberal democracy has elegantly masked glaring inequality in another sphere—that of economics. One could agree with Schmitt that liberal democracy, as much as it heralds "human rights" and legal equality and proudly boasts of "equality of (economic) opportunity," encourages material disparities. Indeed, inequality in liberal democracy has not disappeared, and, in accordance with the Schmitt's 'observations regarding the shifts in the political sphere, "another sphere in which substantial inequality prevails (today, for example the economic sphere), will dominate politics. Small wonder that, in view of its contradictory approach to equality, liberal democracy has been under constant fire from the left and the right." [24]

To sum up, Schmitt rejects liberal democracy on several counts: 1) liberal . democracy is not

“demo-krasia,” because it does not foster the identity of the governed and the governors, 2) liberal democracy reduces the political arena, and thus creates an apolitical society, and 3) in upholding legal equality, and pursuant to its constant search for the wealth that will win it support, liberal democracy results in glaring economic inequality.

The Rule of the People or the Rule of Atomized Individuals?

From the etymological and historical points of view, Schmitt’s criticism of liberal democracy merits attention. Democracy signifies the rule of the people, a specific people with a common ethnic background, and not the people construed, after the manner of some liberal democracies, as the atomized agglomeration flowing from a cultural “melting pot.” But if one assumes that a new type of homogeneity can develop, e.g., homogeneity caused by technological progress, then one cannot dispute the functionality of a liberal democracy in which the homogenized citizens remain thoroughly apolitical: Hypothetically speaking, political issues in the decades to come may no longer be ethnicity, religions, nation-states, economics, or even technology, but other issues that could “homogenize” citizens. Whether democracy in the twenty-first century will be based on apolitical consensus remains to be seen. Schmitt sincerely feared that the apoliticism of “global liberal democracy” under the aegis of the United States could become a dangerous predicament for all, leading not to global peace but to global servitude.[25] As of today, however, liberal democracy still serves as a normative concept for many countries, but whether this will remain so is an open question.

In view of the increased ethnic fragmentation and continued economic disparities in the world, it seems that Schmitt’s analysis may contain a grain of truth. The American experience with liberal democracy has so far been tolerable: that is, the U.S. has shown that it can function as a heterogeneous multi-ethnic society even when, contrary to Schmitt’s fears, the level of political and historical consciousness remains very low. Yet, the liberal democratic experiment elsewhere has been less successful. Recent attempts to introduce liberal democracy into the multi-ethnic states of Eastern Europe have paradoxically speeded up their dissolution or, at best, weakened their legitimacy. The cases of the multi-ethnic Soviet Union and the now-defunct Yugoslavia-countries in endless struggles to find lasting legitimacy-are very revealing and confirm Schmitt’s predictions that democracy functions best, at least in some places, in ethnically homogeneous societies.[26] In light of the collapse of communism and fascism, one is tempted to argue that liberal democracy is the wave of the future. Yet, exported American political ideals will vary according to the countries and the peoples among whom they take root. Even the highly Americanized European countries practice a different brand of liberal democracy from what one encounters in America.

Schmitt observes that liberalism, while focusing on the private rights of individuals, contributes to the weakening of the sense of community. Liberal democracy typifies, for Schmitt, a polity which cripples the sense of responsibility and renders society vulnerable to enemies both from within and without. By contrast, his idea of organic democracy is not designed for individuals who yearn to reduce political activity to the private pursuit of happiness; rather, organic, classical democracy means “the identity of the governors and the governed, of the rulers and the ruled, of those who receive orders and of those who abide by them.”[27] In such a polity, laws and even the constitution itself can be changed on a short notice because the people, acting as their own legislators, do not employ parliamentary representatives.

Schmitt's democracy could easily pass for what liberal theorists would identify as a disagreeable dictatorship. Would Schmitt object to that? Hardly. In fact, he does not discount the compatibility of democracy with communism or even fascism. "Bolshevism and Fascism," writes Schmitt, "by contrast, are like all dictatorships certainly antiliberal, but not necessarily antidemocratic." [28] Both communism and fascism strive towards homogeneity (even if they attempt to be homogeneous by force) by banning all opposition. Communism, for which the resolute anti-Bolshevik Schmitt had no sympathy, can surely be democratic, at least in its normative and utopian stage. The "educational dictatorship" of communism, remarks Schmitt, may suspend democracy in the name of democracy, "because it shows that dictatorship is not antithetical to democracy." [29] In a true democracy, legitimacy derives not from parliamentary maneuvers, but from acclamation and popular referenda. "There is no democracy and no state without public opinion, and no state without acclamation," writes Schmitt [30] By contrast, liberal democracy with its main pillars, viz., individual liberty and the separation of powers, opposes public opinion and, thus, must stand forth as the enemy of true democracy. Or, are we dealing here with words that have become equivocal? According to Schmitt, "democratic principles mean that the people as a whole decides and governs as a sovereign." [31] One could argue that democracy must be a form of *kratos*, an exercise, not a limiting, of power. Julien Freund, a French Schmittian, concurs that "democracy is a 'kratos.' As such it presupposes, just like any other regime, the presence and the validity of an authority." [32] With its separation of powers, the atomization of the body politic, and the neutralization of politics, liberal democracy deviates from this model.

Conclusion: The Liberal 'Dictatorship of Well-Being'

If one assumes that Schmitt's "total democracy" excludes those with different views and different ethnic origins, could not one also argue that liberal democracy excludes by virtue of applying an "apolitical" central field? Through apolitical economics and social censure, liberal democracy paradoxically generates a homogeneous consumer culture. Is this not a form of "soft" punishment imposed on those who behave incorrectly? Long ago, in his observations about democracy in America, Tocqueville pointed out the dangers of apolitical "democratic despotism." "If despotism were to be established among the democratic nations of our days, it might assume a different character; it would be more extensive and more mild; it would degrade men without tormenting them." [33] Perhaps this "democratic despotism" is already at work in liberal democracies. A person nowadays can be effectively silenced by being attacked as socially insensitive.

Contemporary liberal democracy amply demonstrates the degree to which the economic and spiritual needs of citizens have become homogenized. Citizens act more and more indistinguishably in a new form of "dictatorship of well-being." [34] Certainly, this homogeneity in liberal democracy does not spring from coercion or physical exclusion, but rather from the voter's sense of futility. Official censorship is no longer needed as the ostracism resulting from political incorrectness becomes daily more obvious. Citizens appear more and more apathetic, knowing in all likelihood that, regardless of their participation, the current power structure will remain intact. Moreover, liberal democrats, as much as they complain about the intolerance of others, often appear themselves scornful of those who doubt liberal doctrines, particularly the beliefs in rationalism and economic progress. The French thinker Georges Sorel, who influenced Schmitt, remarked long ago that to protest against the illusion of liberal rationalism means to be

immediately branded as the enemy of democracy.[35] One must agree that, irrespective of its relative tolerance in the past, liberal democracy appears to have its own sets of values and normative claims. Its adherents, for example, are supposed to believe that liberal democracy operates entirely by law. Julien Freund detects in liberal legalism “an irenic concept” of law, “a juridical utopia . . . which ignores the real effects of political, economic and other relations.”[36] No wonder that Schmitt and his followers have difficulty in accepting the liberal vision of the rule of law, or in believing that such a vision can “suspend decisive [ideological] battle through endless discussion.”[37] In its quest for a perfect and apolitical society, liberal democracy develops in such a manner that “public discussion [becomes] an empty formality,”[38] reduced to shallow discourse in which different opinions are no longer debated. A modern liberal politician increasingly resembles an “entertainer” whose goal is not to persuade the opponent about the validity of his political programs, but primarily to obtain electoral majorities.[39]

In hindsight, it should not appear strange that liberal democracy, which claims to be open to all kinds of technological, economic and sexual “revolutions,” remains opposed to anything that would question its apolitical status quo. It comes, therefore, as no surprise that even the word “politics” is increasingly being supplanted by the more anodyne word “policy,” just as prime ministers in liberal democracies are increasingly recruited from economists and businessmen.

Schmitt correctly predicted that even the defeat of fascism and the recent collapse of communism would not forestall a political crisis in liberal democracy. For Schmitt, this crisis is inherent in the very nature of liberalism, and will keep recurring even if all anti-liberal ideologies disappeared. The crisis in liberal parliamentary democracy is the result of the contradiction between liberalism and democracy; it is, in Schmittian language, the crisis of a society that attempts to be both liberal and democratic, universal and legalistic, but at the same time committed to the self-government of peoples.

One does not need to go far in search of fields that may politicize and then polarize modern liberal democracy. Recent events in Eastern Europe, the explosion of nationalisms all around the world, racial clashes in the liberal democratic West – these and other “disruptive” developments demonstrate that the liberal faith may have a stormy future. Liberal democracy may fall prey to its own sense of infallibility if it concludes that nobody is willing to challenge it. This would be a mistake. For neither the demise of fascism nor the recent collapse of communism has ushered in a more peaceful epoch. Although Western Europe and America are now enjoying a comfortable respite from power politics, new conflicts have erupted in their societies, over multiculturalism and human rights. The end of liberal apolitical democracy and the return of “hard” politics may be taking place within liberal democratic societies.

Notes:

1. See Giovanni Sartori, *Democratic Theory* (Detroit: Wayne State University Press, 1962), 3. “In a somewhat paradoxical vein, democracy could be defined as a high-flown name for something which does not exist.” See, for instance, the book by French “Schmittian” Alain de Benoist, *Democratie: Le probleme* (Paris: Le Labyrinthe, 1985), 8. “Democracy is neither more ‘modern’ nor more ‘evolved’ than other forms of governance: Governments with democratic tendencies have appeared throughout history. We can observe how the linear perspective used in this type of analysis can be particularly

deceiving.” Against the communist theory of democracy, see Julien Freund, considered today as a foremost expert on Schmitt, in *Politique et impolitique* (Paris: Sirey, 1987), 203. “It is precisely in the name of democracy, designed as genuine and ideal and always put off for tomorrow that non-democrats conduct their campaign of propaganda against real and existing democracies.” For an interesting critique of democratic theory, see Louis Rougier, *La Mystique democratique* (Paris: Albatros, 1983). Rougier was inspired by Vilfredo Pareto and his elitist anti-democratic theory of the state.

2. See, for instance, an analysis of U.S. “post-electoral politics,” which seems to be characterized by the governmental incapacity to put a stop to increasing appeals to the judiciary, in Benjamin Ginsberg and Martin Shefter, *Politics by other Means: The Declining Importance of Election in America* (New York: Basic Books, Inc., 1990).
3. Carl Schmitt, *The Crisis of Parliamentary Democracy*, trans. Ellen Kennedy (Cambridge: MIT, 1985), 4.
4. The views held by some leftist scholars concerning liberalism closely parallel those of Schmitt, particularly the charge of “soft” repression. See, for instance, Jurgen Habermas, *Technik und Wissenschaft als Ideologie* (Frankfurt: Suhrkamp, 1968). See also Regis Debray, *Le Scribe: Genese du politique* (Paris: Grasset, 1980).
5. Carl Schmitt, *Der Begriff des Politischen* (Munich and Leipzig: Duncker und Humblot, 1932), 36. Recently, Schmitt’s major works have become available in English. These include: *The Concept of the Political*, trans. G. Schwab (New Brunswick: Rutgers University Press, 1976); *Political Romanticism*, trans. G. Oakes (Cambridge: MIT Press, 1986); and *Political Theology*, trans. G. Schwab (Cambridge: MIT Press, 1985). There may be some differences between my translations and the translations in the English version.
6. Schmitt, *Der Begriff*, 76.
7. Francois-Bernard Huyghe, *La soft-ideologie* (Paris: Robert Laffont, 1987), 43
8. Schmitt, *The Crisis of Parliamentary Democracy*, 8.
9. Schmitt, *The Crisis of Parliamentary Democracy*, 15.
10. Schmitt, *The Crisis of Parliamentary Democracy*, 15.
11. Schmitt, *The Crisis of Parliamentary Democracy*, 9.
12. Carl Schmitt, *Verfassungslehre* (Munich and Leipzig: Verlag von Duncker und Humblot, 1928), 83.
13. See Ferdinand Tonnies, *Community and Society (Gemeinschaft und Gesellschaft)*, trans.

and ed. Charles P. Loomis (New York: Harper & Row, 1963). Tonnies distinguishes between hierarchy in modern and traditional society. His views are similar to those of Louis Dumont, *Homo Hierarchicus, the Caste System and its Implications*, trans. Mark Sainsbury and L. Dumont (Chicago: University of Chicago Press, 1980). Dumont draws attention to “vertical” vs. “horizontal” inequality among social groups.

14. Schmitt, *Verfassungslehre*, 234.

15. Schmitt, *The Crisis of Parliamentary Democracy*, 9.

16. Carl Schmitt, *Du Politique*, trans. William Gueydan (Puisseaux: Pardes, 1990), 46. *Legalitat und Legitimitat* appears in French translation, with a preface by Alain de Benoist, as “L’egalite et legitimite”

17. Schmitt, *Du Politique*, 57.

18. Schmitt, *Du Politique*, 58. See also Schmitt’s *Verfassungslehre*, 87-91:

19. Schmitt, *Verfassungslehre*, 245.

20. Schmitt, *Verfassungslehre*, 246.

21. Schmitt, *Verfassungslehre*, 245.

22. Schmitt, *The Crisis of Parliamentary Democracy*, 10.

23. Schmitt, *The Crisis of Parliamentary Democracy*, 13.

24. See, for instance, the conservative revolutionary, Arthur Moeller van den Bruck, *Das Dritte Reich* (1923) whose criticism of liberal democracy often parallels Carl Schmitt’s, and echoes Karl Marx, *The Critique of the Gotha Program*, (New York: International Publishers, 1938), 9. “Hence equal rights here (in liberalism) means in principle bourgeois rights. The equal right is an unequal right for unequal labor.” See also Schmitt’s contemporary Othmar Spann with a similar analysis, *Der wahre Staat* (Leipzig: Verlag von Quelle und Meyer, 1921).

25. See Carl Schmitt, “L’ unite du monde,” trans. Philippe Baillet in *Du Politique*, 237-49.

26. In some multi-ethnic states, liberal democracy has difficulty taking root. For instance, the liberalisation of Yugoslavia has led to its collapse into its ethnic parts. This could bring some comfort to Schmitt’s thesis that democracy requires a homogeneous “Volk” within its ethnographic borders and state. See Tomislav Sunic, “Yugoslavia, the End of Communism the Return of Nationalism,” *America* (20 April 1991), 438-440.

27. Schmitt, *Verfassungslehre*, 234. See for a detailed treatment of this subject the concluding chapter of Paul Gottfried, *Carl Schmitt: Politics and Theory* (Westport and

New York: Greenwood Press, 1990).

28. Schmitt, *The Crisis of Parliamentary Democracy*, 16.
29. Schmitt, *The Crisis of Parliamentary Democracy*, 28.
30. Schmitt, *Verfassungslehre*, 247.
31. Carl Schmitt; "L'etat de droit bourgeois," in *Du Politique*, 35.
32. Freund, *Politique et impolitique*, 204.
33. Alexis de Tocqueville, *Democracy in America* (New York: Alfred Knopf, 1966), vol. 2, book fourth, Ch. 6.
34. There is a flurry of books criticizing the "surreal" and "vicarious" nature of modern liberal society. See Jean Baudrillard, *Les strategies fatales* ("Figures du transpolitique") (Paris: Grasset, 1983). Also, Christopher Lasch, *The Culture of Narcissism* (New York: Warner Books, 1979).
35. Georges Sorel, *Les illusions du progres* (Paris: M. Riviere, 1947), 50.
36. Freund, *Politique et impolitique*, 305.
37. Carl Schmitt, *Politische Theologie* (Munchen und Leipzig: Verlag von Duncker und Humblot, 1934), 80.
38. Schmitt, *The Crisis of Parliamentary Democracy*, 6.
39. Schmitt, *The Crisis of Parliamentary Democracy*, 7.